

# Reflections on children's participation

The Honourable Lulu Xingwana  
Minister for Women, Children and People with Disabilities

The government of South Africa has demonstrated a commitment and political will to ensure that children's human rights are advanced, promoted, protected and developed.

In 1995, South Africa ratified the United Nations Convention on the Rights of the Child, which spells out a package of rights that need to be enjoyed by all children in the world. In 1996, South Africa adopted its Constitution, which in section 28 sets out certain principles applicable to children. Children's rights are the fundamental freedoms and inherent rights of every child or young person under the age of 18 years. Children, like any other person, also enjoy the other rights in the Bill of Rights, amongst them the right to freedom of expression which includes freedom to receive or impart information or ideas.

In terms of the Children's Act, "every child that is of such an age, maturity and stage of development as to be able to participate in any matter concerning that child has the right to participate in an appropriate way and views expressed by the child must be given due consideration".<sup>i</sup>

In recent years, there have been a number of positive legislative developments relating to children spanning child justice, education, social security and social services. But children's rights must be considered in all programmes of government and the rest of society. The concerns and experiences of women, children and persons with disabilities should be an integral dimension of policies and programmes in all political, economic and social spheres so that these three groups benefit equally as the rest of the population, and inequality is not perpetuated.

Government at all levels has created platforms for children



to express their views on issues affecting them. Many provinces and municipalities have established Children's Forums. These forums are also used as channels for children to engage with different legislative processes. More forums of this nature need to be established where they are non-existent.

It is also important that at various intervals, we look at the totality of children's rights, review progress and outline measures that have to be taken to address various challenges limiting the realisation of these rights. Listening to children is an essential monitoring tool so that programmes and services take account of the lived realities

on the ground, and respond to their needs.

The Department for Women, Children and People with Disabilities regularly convenes children from all provinces and provides a platform for them to express their views on issues pertinent to them. In addition, the National Children's Rights Machinery serves as a platform for all stakeholders in the children's rights sector to engage with government and guide on national issues affecting children.

Our efforts towards the full realisation of children's rights can only succeed through strong collaboration between government, civil society, United Nations agencies and other development partners. In this context, publications such as the *South African Child Gauge* provide a critical analysis of some of the challenges to the fulfilment of children's rights. Where there are gaps in the realisation of children's rights, we need to advocate and lead the initiation of appropriate interventions. This is as true for children's right to participate as it is for other rights.

Working together, let us give children a voice.

<sup>i</sup> Children's Act 38 of 2005. Section 10.